REMARKS

This Amendment responds to the Office Action dated December 14, 2009, in which the Examiner rejected claims 1-22, 28-30 and 32-37 under 35 U.S.C. § 103.

As indicated above, claims 1, 10, 18-22, 28-30 and 36-37 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 21 and 29 were rejccted under 35 U.S.C. § 103 as being unpatentable over *Hite, et al.* (U.S. Patent No. 5,774,170) in view of *Zigmond, et al.* (U.S. Patent No. 6,698,020).

Hite, et al. appears to disclose programming comes from massive storage systems called servers. The server supplies signals to switches which route thc requested video to the individual display dcvice. The eommercial choice switched to that location is based on a match of the CID (commereial identifier codes) determined for the location and the CID embedded in the commcrcial. Such matching may occur at the display site or at the head-end (column 7, lines 56-62).

Thus, *Hite, et al.* merely discloses switches routing video to individual display devices. Nothing in *Hite, et al.* shows, teaches or suggests internet communication of selection information and distributing the advertising image via the internet as claimed in claims 1 and 29. Rather, *Hite, et al.* merely discloses switeheS routing the video to the individual display devices.

Zigmond, et al. appears to disclose a conventional video programming feed displayed to a viewer. Either before or during the display of the video programming feed to the viewer, a plurality of advertisements from an advertisement source are received by a home entertainment system in the houschold. The received advertisements are either stored in an advertisement repository for later display or are made available to the home entertainment display at an

appropriate time for immediate display (column 4, lines 15-24). Statistics collection location 61 counts the number of times a particular viewer has seen a selected advertisement. Once the advertisement has been displayed the desired number of times during a given time period, further display of the advertisement to the viewer is bloeked (column 13, lines 40-45).

Thus, *Zigmond, et al.* merely discloses a conventional video programming feed to a home entertainment center whieh stores advertisement. Nothing in *Zigmond, et al.* shows, teaches or suggests providing advertisement images via the internet after receiving selection information via the internet from an image content providing apparatus and an image reproduction apparatus as claimed in claims 21 and 29. Rather, *Zigmond, et al.* merely discloses a conventional video programming feed.

A combination of *Hite, et al.* and *Zigmond, et al.* would merely suggest using switches to route the requested video as taught by *Hite, et al.* and to block an ad once the advertisement is displayed a desired number of times as taught by *Zigmond, et al.* Thus, nothing in the combination of the references shows, teaches or suggests receiving selection information from an image content providing apparatus and image reproduction apparatus via the internet and providing the selected advertisement image via the internet as claimed in claims 21 and 29. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 21 and 29 under 35 U.S.C. § 103.

Claims 1-16, 18-20, 22, 28, 30 and 32-37 were rejected under 35 U.S.C. § 103 as being unpatentable over *Bar-El* (WO 99/26415) in view of *Srinivasan, et al.* (U.S. Publieation No. 2001/0023436), *Zigmond, et al.* and Official Notice.

Bar-El appears to disclose a personalization system 10 located inside a video server 11 (page 7, lines 13-14). Personalization system 10 comprises a user identifier 20, a user database

21, an object storage unit 22, a video controller 24, a video analyzer 25, and a plurality of video personalization modules 26, one per user currently receiving a video stream (page 9, line 19-page 10, line 2). Object storage unit 22 and video controller 24 both provide their output to the personalization module 26 associated with the user (page 12, lines 3-4). Figure 4 details one video personalization module 26. It eomprises a personalized data storage unit 38, image adapter 40, video personalization scheduler 42 and mixer 44 (page 14, lines 8-10).

Thus, *Bar-El* only discloses a personalization system 10 formed inside a video server 11. Nothing in *Bar-El* shows, teaches or suggests transmitting various information via a network as claimed in claims 1, 10, 18-20, 22, 28, 30 and 36-37. Rather, the personalization system 10 of *Bar-El* is located within the video server 11.

Srinivasan, et al. merely discloses when a subscriber orders a video presentation, the ad server notes the client ID, matches the client ID with a user profile, controls a dynamic ad schedule, and determines the ads to be inserted [0204].

Thus, *Srinivasan, et al.* merely discloses matching an advertisement based upon a client ID and a dynamic advertisement schedule. Nothing in *Srinivasan, et al.* shows, teaches or suggests the different modes of distribution of the image content and advertisement inserting condition to the various apparatuses as claimed in claims 1, 10, 18-20, 22, 28, 30 and 36-37. Rather, *Srinivasan, et al.* only discloses determining an ad to be inserted based upon matching IDs.

As discussed above, *Zigmond, et al.* merely discloses blocking an ad once the ad has been displayed a desired number of times. Nothing in *Zigmond, et al.* shows, teaehes or suggests distribution of image content and advertising inserting condition to various apparatuses as claimed in claims 1, 10, 18, 19, 20, 22, 28, 30 and 36-37.

A combination of *Bar-El*, *Zigmond, et al.* and *Srinivasan, et al.* would merely suggest that the personalization system 10 found within the video server 11 has the video personalization scheduler 42 of *Bar-El* match IDs as taught by *Srinivasan, et al.* and to block an ad once the ad has been displayed a desired number of times as taught by *Zigmond, et al.* Thus, nothing in the combination of the references shows, teaches or suggests the primary features as claimed in claims 1, 10, 18-20, 22, 28, 30 and 36-37. Therefore, Applicant respeetfully requests the Examiner withdraws the rejection to claims 1, 10, 18-20, 22, 28, 30 and 36-37 under 35 U.S.C. § 103.

Claims 2-9, 11-16 and 32-35 recite additional features. Applicant respectfully submits that claims 2-9, 11-16 and 32-35 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Bar-El*, *Srinivasan, et al.* and *Zigmond, et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 2-9, 11-16 and 32-35 under 35 U.S.C. § 103.

Claim 17 was rejected undcr 35 U.S.C. § 103 as being unpatentable over *Bar-El*, *Srinivasan, et al.*, *Zigmond, et al.* and further in view of *Hite, et al.*

Applicant respectfully traverses the Examiner's rejeetion of claim 17 under 35 U.S.C. § 103. The claim has been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicant respectfully requests the Examiner withdraws the rejection to the claim and allows the claim to issue.

As discussed above, since nothing in the combination of *Bar-El*, *Srinivasan, et al.* and *Zigmond, et al.* show, teach or suggest the primary features as discussed above, Applicant respectfully submits that the combination of the primary references with the secondary referencc to *Hite, et al.* would not overcome the deficicncies of the primary references. Therefore,

Applicant respectfully requests the Examiner withdraws the rejection to claim 17 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully pctitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: February 24, 2010

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